

REMARKS

The Office Action mailed on February 12, 2003, has been reviewed and the comments of the Patent and Trademark Office have been considered. Prior to this paper, claims 1-4, 6-17, and 23-29 were pending, with claims 9-16 and 23-29 under current consideration on the merits (claims 1-4, 6-8 and 17 are currently withdrawn). By this paper, Applicants cancel claims 25-28. Therefore, claims 1-4, 6-17, 23-24 and 29 remain pending in the present application.

Applicants respectfully submit that the present application is in condition for allowance for the reasons that follow.

Rejections Under 35 U.S.C. §112, First Paragraph

In the Office Action, claims 13 and 29 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Applicants have amended claim 13, as seen above, and respectfully request reconsideration in view of this amendment.

Applicants respectfully traverse the rejection of claim 29. In rejecting claim 29, the Office Action states that there "is no disclosure in the original specification of a finished vehicular member construction with side and cross members that includes curved portions." (Office Action, page 2, second paragraph). Applicants respectfully submit that Fig. 3 teaches a finished vehicular member "wherein the at least one of the pair of side members and the pair of the cross members [(e.g., 10)] has a cross section consisting of four walls [(e.g., 10a, 10b and the walls connecting 10a and 10b)] and curved portions connecting the four walls [(e.g., the curved portions connecting 10a, 10b and the walls connecting 10a and 10b to each other)]." Reconsideration of claim 29 is respectfully requested.

Rejections Under 35 U.S.C. §112, Second Paragraph

In the Office Action, claims 23-26 and 28-29 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 23 has been amended, and Applicants respectfully request reconsideration in view of this amendment.

Claim 24 also stands amended. The rejection of claim 24 is based on the fact that claim 9, the claim from which claim 24 depends, recites that the thin wall portion is free from

an **inscribed mating** with the thick wall portion. (An example of inscribed mating may be found in Fig. 1 of the Japan '272 reference. Specifically, elements 12 and 13 are mated through inscribed mating. This is in contrast to the mating of the walls in the present invention, which may be seen in the Figures) Applicants respectfully submit that there is nothing inconsistent or otherwise contradictory with the recitations of claim 24 in view of the recitations of claim 9.

Regarding claim 29, Fig. 3-4, 6, and 8-9 show where the thin wall portions are free from an **inscribed mating** with the thick wall portions, and where the portions meet the recited quantity. Reconsideration of these claims is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, claims 9-16 and 23-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japan 61-291272 in view of Japan 6-99870. As seen above, Applicants have amended claim 9 to include the recitations of cancelled claim 14, and also to include the recitation that the suspension link bracket is mounted on the thick wall of the side member **in such a manner that the thin wall is free from mounting with the suspension link bracket.**¹ As can be clearly seen from Japan '272, the identified thick and thin walled portions of elements 1 and 2 are **both** mounted to bracket 7. Assuming *arguendo* that bracket 7 of Japan '272 satisfies the recitation of a suspension link bracket, Japan '272 still does not teach each element of claim 9 because claim 9 now recites that the thin wall is **free** from mounting with the suspension link bracket. Japan '870 does not remedy this deficiency of Japan '272. Furthermore, neither reference suggests such an element, and, in fact, by teaching that the thin wall is mounted to bracket 7, Japan '272 teaches away from the present invention. Therefore, neither the third requirement of MPEP § 2143, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," nor the first requirement of MPEP § 2143, that "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings," can be satisfied by the cited references. Claim 9 and its dependencies are therefore allowable. Reconsideration of the claims is respectfully requested.

¹ Support for this recitation may be found, among other places, at Fig. 3.

Conclusion

Applicants believe that the present application is in condition for allowance, and favorable reconsideration is requested.

If Applicants have not accounted for any fees required by this Amendment, the Commissioner is hereby authorized to charge to Deposit Account No. 19-0741. If Applicants have not accounted for a required extension of time under 37 C.F.R. § 1.136, that extension is requested and the corresponding fee should be charged to our Deposit Account.

Examiner Culbreth is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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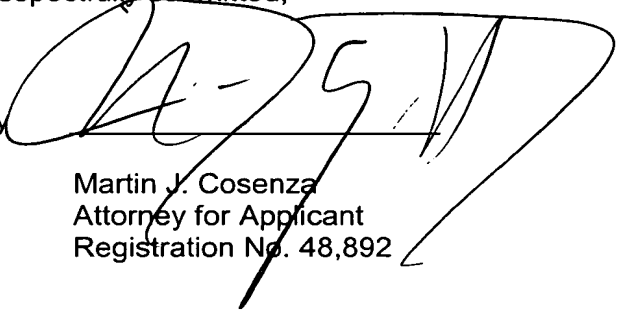
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